

EXHIBIT 1 TO DECLARATION OF GERALDINE WEISS  
IN OPPOSITION TO DEFENDANTS' MOTION TO TRANSFER VENUE  
UNDER 28 U.S.C. § 1412

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1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 COUNTY OF SAN FRANCISCO

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5 SENORX, INC.,

)

6 Plaintiff,

)

7 vs.

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CASE NO. CGC 04-435849

8 COUDERT BROTHERS, LLP,  
9 and DOES 1-500,

)

)

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Defendants.

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DEPOSITION OF  
ANNE MARIE LEAVY

14

TUESDAY, MARCH 28, 2006

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12:48 P.M.

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One Market Plaza  
Steuart Tower  
8th Floor

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San Francisco, California 94105

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1 MR. DENISTON: Yes. You can still answer. I'm  
2 just making an objection.

3 MR. HANCOCK: You can answer. I'll let you know  
4 if you shouldn't answer a question. So you're going to  
5 hear us make objections here and there. Be patient.  
6 We'll put it out. The court reporter will write them  
7 down, and then everybody will look at you to go ahead and  
8 provide the answer. Okay?

9 THE WITNESS: Okay.

10 So the person handling the foreign filings in  
11 2003 was Tara Faenza.

12 BY MS. WEISS:

13 Q And did Ms. Faenza work with anyone -- well,  
14 strike that.

15 When did you first meet Ms. Faenza?

16 A I believe she started at Coudert Brothers in  
17 September or October of '02.

18 Q And during the time that you worked at Coudert  
19 and observed Ms. Faenza working at Coudert, did you form  
20 any impression about the capability of Ms. Faenza to do  
21 her job duties?

22 MR. DENISTON: Objection. No foundation. Calls  
23 for speculation.

24 THE WITNESS: I was concerned.

25 BY MS. WEISS:

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1 And if you need to break them down into separate  
2 ones, we can.

3 A Well, Tara would show up at 10:00 o'clock or so.  
4 She was doing her modeling on the side, and she was also  
5 trying to get her master's degree at the University of  
6 Phoenix. So she was just busy with other things, and she  
7 just -- she took on a big responsibility position. So --

8 Can you repeat the question.

9 Q I was asking about conversations that you may  
10 have had or you had with Ms. Der about Ms. Faenza and her  
11 ability to adequately perform her job.

12 A In passing, I guess maybe we would talk, but  
13 I -- I don't remember a clear conversation. It was just  
14 a mutual understanding that we were like "Wow."

15 Q And do you know who was Ms. Faenza's supervisor?

16 A That would be Don Bartels.

17 Q And do you know if anybody mentioned it -- if  
18 anyone ever complained about Ms. Faenza to Mr. Bartels?

19 A No.

20 Q And what did Mr. Bartels do?

21 A He was a patent attorney as well and he worked  
22 in the San Francisco office but he also moved down to  
23 Palo Alto and I don't recall when he did.

24 So apparently Don Bartels was in Palo Alto while  
25 Tara was in San Francisco. So he was supervising her

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1 from Palo Alto.

2 Q Have you any knowledge about how he was able to  
3 adequately supervise Ms. Faenza when he worked in a  
4 different office?

5 A No.

6 Q Did Mr. Bartels divide his time, once he moved  
7 to the Palo Alto office, between the San Francisco and  
8 Palo Alto office?

9 A No.

10 Q Do you know if Ms. Faenza and Mr. Bartels were  
11 friends outside the office?

12 A No.

13 Q Now, you mentioned Ms. Faenza would come in at  
14 10:00 A.M. in the morning.

15 Do you know if that was her assigned time to  
16 come in?

17 A No, I don't. I don't.

18 Q Okay. Do you know if she was able to have some  
19 sort of flexibility in her -- in her work schedule?

20 And by that I mean she did not have a set time  
21 to come in. She could control her own hours.

22 A I think she believed that she could control her  
23 own hours, but I think it was standard for everyone to be  
24 there at least by 9:30. So it was a 9:30 to 5:30.

25 We actually worked seven and a half hours at

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1 Q All right.

2 A She was a very impressive person. So we were  
3 all impressed.

4 Q Okay. So it would be accurate to say then that  
5 sometime in early May of 2003 you formed the impression  
6 that she was disorganized?

7 MS. WEISS: Objection. Form of the question.  
8 Assumes facts not in evidence. Lacks foundation.  
9 Leading.

10 BY MR. DENISTON:

11 Q You can answer it.

12 A Yes.

13 Q Now, did you ever communicate to Mr. Lynch the  
14 concerns you had about Ms. Faenza?

15 A I can't recall. I did express concerns.

16 Q To Mr. Lynch?

17 A But it wasn't to Mr. Lynch.

18 Q All right. Okay.

19 A It was to Lillian Nakagawa.

20 Q Who's Lillian Nakagawa?

21 A She was -- she was in the interim, acting as  
22 managing partner.

23 Q She's a lawyer?

24 A A partner. Yeah.

25 Q Partner. All right.

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1 And when -- would that have been sometime in  
2 May, 2003?

3 A Yes. Yes. It was before our move.

4 Q Okay. And what did you tell Ms. Nakagawa about  
5 your concerns about Ms. Faenza?

6 A Well, I -- I had a conversation with Tara  
7 because she was upset over something, and I went to her  
8 and I said, "Are you okay?" And she's, like, yeah.

9 And we talked about how her behavior wasn't  
10 appropriate for our law firm, the way she carried on most  
11 of the time, and she was pretty frank about it and she  
12 said that she's really surprised nobody has reprimanded  
13 her and she was concerned herself that she wasn't being  
14 supervised by anyone -- Tara.

15 So I was just getting fed up because it was  
16 pretty crazy at Coudert Brothers, and Ed didn't want to  
17 hear stuff like that. Well -- well --

18 So I guess I just went straight to Lillian  
19 because Lillian -- well, she was just very concerned.  
20 She was like a mother. She was very concerned about all  
21 the employees. She was very nice.

22 So when I went to her, I expressed that, you  
23 know, Tara does have temper tantrums; and, you know, even  
24 David Mendoza couldn't believe how -- and she would just  
25 be yelling and screaming on the phone and then she'd just

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1 get up from her office and just walk over to David and  
2 he's like "How're you doing," and her whole demeanor  
3 would change completely once she approached -- I mean she  
4 was just a tyrant on the phone, but to you she wouldn't  
5 be like that. But still we --

6 MR. HANCOCK: Just Listen to his question.

7 THE WITNESS: Well, I didn't express any concern  
8 to Ed Lynch, but I did express concern to Lillian.

9 BY MR. DENISTON:

10 Q I think what you said -- and correct me if I'm  
11 wrong -- but I think you said you mentioned to Lillian  
12 that Ms. Faenza had temper tantrums.

13 Do I understand you correctly?

14 A Yeah. Yeah.

15 Q Okay. Did you mention any other concerns you  
16 had about Ms. Faenza to Ms. Nakagawa in May of 2003?

17 A No.

18 Q What did Ms. Nakagawa say when you told her  
19 about the temper tantrums?

20 A She was -- she knew nothing about it. So she  
21 was just "Thank you for informing me." She was not  
22 aware.

23 Q Okay.

24 A But my point was that Tara knew herself she  
25 wasn't being supervised at that firm.



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1 MR. HANCOCK: When you finish this line of  
2 questioning, can we take a break for a minute.

3 MR. DENISTON: I'm not finished.

4 MR. HANCOCK: That's fine. That's why I say  
5 when you finish your line of questioning.

6 BY MR. DENISTON:

7 Q Now, you said that you told Ms. Nakagawa about  
8 your concerns as you've described them. You told --  
9 well, scratch all that.

10 You've testified that you told Ms. Nakagawa  
11 about your concerns about Ms. Faenza's temper tantrums,  
12 and you also testified that you did not tell Mr. Lynch  
13 about any of your concerns.

14 A I don't recall telling Mr. Lynch.

15 Q Okay. You also testified that Mr. Lynch doesn't  
16 "want to hear stuff like that."

17 What did you mean when you said Mr. Lynch  
18 doesn't "want to hear stuff like that"?

19 A That's my impression. He doesn't want to hear  
20 about just nitpicking and, you know -- I don't know --  
21 pettiness that goes on.

22 Q Is it your impression that Mr. Lynch didn't want  
23 to hear about somebody being disorganized?

24 MS. WEISS: Objection -- that form of the  
25 question. Lack of foundation. Assumes facts not in

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1 (At 3:17 P.M. a break was  
2 taken until 3:24 P.M.)

3 BY MR. DENISTON:

4 Q Earlier in your deposition you testified that  
5 Don Bartels was Ms. Faenza's supervisor.

6 Why did you believe Mr. Bartels was  
7 Ms. Faenza's supervisor?

8 A Because Tara had told me.

9 Q Who supervised Ms. Faenza with respect to the  
10 work she was performing for Mr. Lynch?

11 MS. WEISS: Objection. Form of the question.  
12 Calls for speculation.

13 MR. HANCOCK: Join.

14 THE WITNESS: Ed Lynch.

15 BY MR. DENISTON:

16 Q Okay. When you left on June 20 --

17 When you left Coudert Brothers on June 20, was  
18 Mr. Lynch still there or had he already left?

19 A He was still there.

20 Q Okay. You testified you joined Duane Morris on  
21 June 23.

22 Was Mr. Lynch at Duane Morris on June 23?

23 A Yes.

24 Q So you and Mr. Lynch both started, as far as you  
25 know, at Duane Morris on the same day, June 23?

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1 managing partner?

2 A I can't recall.

3 Q And did you ever mention to Ms. Nakagawa  
4 anything else about Faenza's inappropriate behavior other  
5 than the temper-tantrum stuff?

6 A It was mostly just her temper tantrums on the  
7 phone and in front of the photocopy machine.

8 Q Was that when she was kicking the photocopy  
9 machine?

10 A Yes.

11 Q When you said "It was mostly," was it  
12 exclusively that, or did you mention anything else to  
13 Lillian Nakagawa?

14 A I don't recall mentioning anything else.

15 Q And was this -- can you remember the date of  
16 that conversation with Nakagawa?

17 A I can't remember the exact date, but it was a  
18 very stressful time because we had just moved from --

19 MR. HANCOCK: Just listen to her question.

20 THE WITNESS: Can you repeat the question.

21 BY MS. WEISS:

22 Q I'm just trying to pinpoint a date when you  
23 mentioned your concerns about Ms. Faenza to Ms. Nakagawa?

24 A It would have been sometime at the end of May or  
25 the beginning of June.

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1 Q And did Ms. Nakagawa say anything other than  
2 indicate she had not known?

3 A She didn't say anything else.

4 Q Did she say she was going to do anything about  
5 the unprofessional behavior?

6 A She didn't tell me.

7 Q Okay. And as the ruling managing partner at  
8 that time, do you have any knowledge who Ms. Nakagawa  
9 discussed this with?

10 A I do not.

11 Q And wasn't Mr. Hebert the managing partner of  
12 the San Francisco office at that time?

13 MR. DENISTON: Objection. No foundation.

14 MS. WEISS: Do I have to go through the -- I  
15 think we just showed the letter that was cc'd to Hebert.

16 MR. DENISTON: She hasn't testified about  
17 Mr. Hebert in this whole deposition.

18 MS. WEISS: Well, I think it's in evidence  
19 without the depo.

20 Q Was Mr. Hebert the managing partner as well at  
21 that time?

22 A Yes.

23 Q How many managing partners were there at the  
24 San Francisco office, if you know?

25 A My time there, there was three.

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1 A Well, the way she handled herself on the phone.

2 Q Uh-huh.

3 A We also discussed that I don't think she  
4 understood her job description when she took on the job.

5 Q Could you explain that to me, please.

6 A Yeah. When she took this job, she thought she  
7 was the patent administrator and she was going to manage  
8 everybody, the staff, and that was not the job  
9 description.

10 Q And did she indicate -- was it Mr. Bartels that  
11 had hired her, as far as you know?

12 A And Becky Robinson.

13 Q And was there anything else that you discussed  
14 with her when you discussed her inappropriate behavior in  
15 the law firm?

16 A I do recall trying to explain to her what her  
17 job description was to be based on the position she took  
18 from the girl ahead of her.

19 Q Was that Jordan?

20 A Yes, it was. And she took care of everything  
21 that had to do with anything foreign, and that was also  
22 Tara's position as well.

23 Q Did Ms. Faenza seem to think that it was not her  
24 job to take care of all the foreign filings, as far as  
25 you could tell from that conversation?